Mikropediah Talmudit - Firstborn of a Pure Animal - Bekhor Behemah Tehorah

Zadoq ben Aahron

מיקרופדיה תלמודית: בכור בהמה טהורה

Mikropediah Talmudit: Firstborn of a Pure Animal - Bekhor Behemah Tehorah

Firstborn of a Pure Animal - Bekhor Behemah Tehorah[1] - Male of cattle and sheep, that was born first to its mother.

Table of Contents תוכן עניינים (Tochen Inyanim)

1. Essence | Mehuto | מהותו
1.1. Breeched birth and the one born after it | Yotsei Dofen VeHanolad Acharav | יוצא דופן והנולד אחריו
1.2. First among the males | Rishon LaZekharim | ראשון לזכרים
1.3. Stillborn and placenta | Nefel VeShilya | נפל ושיליא
1.4. If stillborn—needs head form to exempt from firstborn status | Im Nefel Tzarikh Tzurat Rosh LePtor Min HaBekhorah | אם נפל צריך צורת ראש לפטור מהבכורה
2. Its Commandment | Mitzvato | מצותו
2.1. The commandment | HaMitzvah | המצוה
2.2. Its sanctity | Kedushato | קדושתו
2.3. What is done with it | HaNa'aseh Bo | הנעשה בו
2.4. Place of the commandment | Makom HaMitzvah | מקום המצוה
2.5. Time of the commandment | Zman HaMitzvah | זמן המצוה
3. Giving it to the Kohen | Netinato LaKohen | נתינתו לכהן
3.1. Firstborn not fit for sacrifice | Bekhor SheEino Omed LeHakravah | בכור שאינו עומד להקרבה
3.2. To male Kohanim | LeZikhrei Kehunah | לזכרי כהונה
3.3. To one fit for service | LeRa'uy LaAvodah | לראוי לעבודה
3.4. To an unlearned Kohen | LeKohen Am HaAretz | לכהן עם הארץ
3.5. To the Kohanim of the watch | LeKohanei HaMishmar | לכהני המשמר
3.6. Giving it in exchange for compensation from another | Litno LaKohen BeTemurah HaMitkabelet MeAcher | ליתנו לכהן בתמורה המתקבלת מאחר
3.7. Time of the giving | Zman HaNetinah | זמן הנתינה
3.8. Feeding it with terumah and rights in exchange | Ha'akhilah BeTerumah VeZekhut BeTemurah | האכלה בתרומה וזכות בתמורה
3.9. Giving it to the Kohen before its time | Netinah LaKohen BeTerem HaZman | נתינה לכהן בטרם הזמן
3.10. Refusal to accept it | SiruV LeKabelo | סירוב לקבלו
4. As a Sacrifice | BeTorat Korban | בתורת קרבן
4.1. Its slaughter | Shechitatoh | שחיטתו
4.2. Sprinkling its blood | Zerikat Damo | זריקת דמו
4.3. Skinning and offering its fats | Hefsheto VeHakravat Eimurav |

הפשטתו והקרבת אימוריו
4.4. Libations | Nesakhim | נסכים
4.5. Who eats it | Mi Okhlo | מי אוכלו
4.6. Time for eating it | Zman Akhilato | זמן אכילתו
4.7. Place of its eating | Makom Akhilato | מקום אכילתו
4.8. Time of its offering | Zman Hakravatoh | זמן הקרבתו
4.9. Firstborns from abroad brought to Israel | Bekhorot Shel Chutz LaAretz SheHuV'u LeEretz Yisrael | בכורות של חוץ לארץ שהובאו לארץ ישראל
5. With a Blemish | Ba'al Mum | בעל מום
5.1. Its slaughter | Shechitatoh | שחיטתו
5.2. Expert | Mumkheh | מומחה
5.3. In this time | BaZman HaZeh | בזמן הזה
5.4. Shown to expert after slaughter | HeRa'uhu LeMumkheh Achar Shechitato | הראוהו למומחה לאחר שחיטתו
5.5. Place of its eating | Makom Akhilato | מקום אכילתו
5.6. Who eats it | Mi Okhlo | מי אוכלו
5.7. Feeding it to a dog | LeHa'akhilo LeKelev | להאכילו לכלב
5.8. Eating by the impure | Akhilat Teme'im | אכילת טמאים
5.9. If found to be torn | KsheNimtza Tereifah | כשנמצא טרפה
5.10. Benefit from its hide | Hana'ah Me'oro | הנאה מעורו
6. Its Time of Staying | Zman Shehiyato | זמן שהייתו
6.1. Solar year or lunar year | Shnat Chamah O Shnat Levanah | שנת חמה או שנת לבנה
6.2. From when the year is counted | MiMatai Monim Shanah Zo | ממתי מונים שנה זו
6.3. If delayed beyond its year | Avar VeIchar LeAchar Shanato | עבר ואיחר לאחר שנתו
6.4. Born with a blemish | Nolad Bo Mum | נולד בו מום
6.5. In this time | BaZman HaZeh | בזמן הזה
7. Its Sale | Mekhiro | מכירתו
7.1. Redemption | Pidyon | פדיון
7.2. Sale of a whole animal | Mechirah Tam | מכירת תם
7.3. To whom it can be sold | LeMi Yachol Limokhro | למי יכול למוכרו
7.4. Sale of meat of blemished firstborn | Mechirat Basar Bekhor Ba'al Mum | מכירת בשר בכור בעל מום
7.5. Permitted weighing | Heter Shekilah | היתר שקילה
8. Sanctity Taking Effect | Chalut HaKedushah | חלות הקדושה
8.1. From when sanctity takes effect | MiMatai Chalah HaKedushah | ממתי חלה הקדושה
8.2. Emerged through the womb but did not touch its walls | Yatza Derech HaRechem Ela SheLo Naga BeKotlav | יצא דרך הרחם אלא שלא נגע בכותליו
8.3. Infliction of blemish before birth | Hatlat Mum Kodem SheYatza LeAvir HaOlam | הטלת מום קודם שיצא לאויר העולם
8.4. Consecration as a sacrifice | Hekdesh LeKorban | הקדשה לקרבן
9. Those Obligated in the Firstborn | HaChayavim BaBechorah | החייבים בבכורה

9.1. Partners | Shutafim | שותפים
9.2. Gentile | Goy | גוי
9.3. Partnership with a gentile | Shutafut Im Goy | שותפות עם גוי
9.4. One tending the animal on condition to share offspring | HaMetapel BaBehemah Al Menat SheYihiyeh Lo Chelek BaValadot | המטפל בבהמה על מנת שיהיה לו חלק בולדות
9.5. Intentionally giving gentile a share in fetus | LeHaknoth LeChatchilah LeGoy Chelek BaUbar | להקנות לכתחילה לגוי חלק בעובר
9.6. Ownerless | Hefker | הפקר
9.7. Consecrated | Hekdesh | הקדש
10. Doubtful Firstborn | Safek Bekhor | ספק בכור
10.1. Giving it to the Kohen | Netinato LaKohen | נתינתו לכהן
10.2. Shearing and labor | Geizah VeAvodah | גיזה ועבודה
10.3. One who buys an animal from a gentile | HaLokeach Behemah MiGoy | הלוקח בהמה מגוי
10.4. Milking animal | Behemah Cholvelet | בהמה חולבת
10.5. Nursing animal | Behemah Menika | בהמה מניקה
10.6. One that gives birth and one that doesn't, giving birth together | MiBekhirot VeEinan MiBekhirot SheYaldu Yachad | מבכירות ואינן מבכירות שילדו יחד
10.7. Signs of old age | Simanei Ziknah | סימני זקנה
10.8. Buyer not informed if animal gave birth | HaLokeach Behemah VeLo Hodi'o HaMocher Im Bikrah | הלוקח בהמה ולא הודיעו המוכר אם ביכרה
10.9. Came out full, returned empty | Yatz'ah Mele'ah VeChazrah Reikanit | יצאה מלאה וחזרה ריקנית
10.10. Two male heads emerged together | Yatz'u Shnei Rashei Zekharim KeEchad | יצאו שני ראשי זכרים כאחד
10.11. Two ewes gave birth together | Yaldu Shtei Rechelot Yachad | ילדו שתי רחלות יחד
10.12. A convert who converted | Ger SheNitgayer | גר שנתגייר
11. Footnotes | He'arot Shulayim | הערות שוליים

Its Essence

Firstborn of a pure animal is a male that is born first to its mother, as it is said: Sanctify to Me every firstborn (Exodus 13:2).

Can even a female be implied? The text states: "Every firstborn, etc., the male you shall sanctify to the Lord your God" (Deuteronomy 15:19).

Baraita of Rabbi Ishmael at the beginning of Torat Kohanim; Bekhorot 19a).

And there is no firstborn of a pure animal that ascends for a sacrifice except in cattle and sheep, as it is said: “All the firstborn that is born of your cattle and of your sheep, etc., you shall sanctify to the Lord your God” (there.

Sifrei Devei Rav Korach 118), and thus it is not given to the priest except in cattle and sheep, as it is said: “Every firstborn of all flesh which they bring to the Lord” (Numbers 18:15), to exclude the beast (Sifrei there) which is not fit for an offering (Matanot Kehuna there).

Exception and the One Born After Him

Was a firstborn for all the births, that no other preceded, but not a firstborn for birth through the womb, such as this firstborn emerged through the side, the Tannaim disagreed about him:

There are those who say that this is a doubt of a firstborn (Rabbi Tarfon in the Mishnah there), for the matter is doubtful if a firstborn for one matter is a firstborn or not, and this is a firstborn for one matter, that is, for offspring and not for mercy (Gemara there).

And there are those who say that he is not a firstborn (Rabbi Akiva in the Mishnah there), for a firstborn for one thing is not a firstborn (Gemara there), as it is said: “Firstborn” (Exodus 13:2), until he is a firstborn for everything (Gemara there, and Rashi s.v. Firstborn)[2], and so is the law (Rambam Bechorot 2:4; Tur Shulchan Aruch Yoreh De’ah 315:2).

Even in this, one who is born through the womb after one who came out through the side, they disagreed:

To the first opinion, it is a doubt of a firstborn (Rabbi Tarfon in the Mishnah there), for this too is a firstborn in one aspect, as it is a firstborn for inheritance but not a firstborn for offspring, for the one who emerged through the wall preceded it (Gemara there).

And according to the second opinion, he is not a firstborn, because another preceded him (Rabbi Akiva in the Mishnah there), and a firstborn for one matter is not a firstborn (Gemara there), and so is the law (Rambam there; Tur Shulchan Aruch there).

First of the Males

The female emerged before the firstborn, the one that comes after her is not a firstborn, even though he is the first of the males, for it is said: “that opens the womb” (Exodus 13:12), and this one did not open the womb (Gemara there), and even to one who is uncertain if a firstborn for one matter is a firstborn, he agrees in this case that he is not a firstborn, for the female has already opened the womb (Tosafot there s.v. Reisha).

And even if a female emerged first through the side, and afterwards a male emerged after her through the womb, which is a firstborn for males and a firstborn for the wombs, in any case, according to the law that a firstborn for one matter is not a firstborn, since it is not a firstborn for offspring - it is not a firstborn (Gemara there b; Rambam there; Tur Shulchan Aruch there).

Fell and Placenta

The fallen, even though it does not have life, is sanctified in the firstborn (Bekhorot 3:1), and exempts the one that comes after it from the firstborn, as it is said: “The first issue of the womb of an animal” (Exodus 13:12) - there is no first issue of the womb of an animal except that which its mother has issued (Mekhilta Bo, Pischa 18; Yalkut Shimoni there 223), and sent it before its time (Rashi Bekhorot there s.v. sheger, in the simple sense, and on the Torah there s.v. sheger behemah), or what the animal issues and miscarries (Rashi Bekhorot there, in another language).

And a sign for this dispatch - in small cattle it is the filth, and in large cattle the placenta, and it is exempt from the firstborn from when it emerges from it (Mekhilta d’Rabbi Shimon bar Yochai there):

Section
The sign of a fetus in a small domesticated animal is the impurity (see entry small domesticated animal), and the Amoraim disagreed whether it is when the fetus liquefies and the liquid comes out (Rava there 21b), and so is the law (Rambam there 4:10; Tur Shulchan Aruch Yoreh De’ah 315:7 there); or when it expels blood blisters (Shmuel there, and Rashi s.v. blisters).

Sign of offspring in large cattle is the placenta (see its entry), for there is no placenta without offspring, and if it miscarried a placenta it is exempt from the firstborn when it gives birth afterward (Mishnah there; Rambam there; Tur Shulchan Aruch there).

And in any case, the placenta is not sanctified in the firstborn, because all birthing animals give birth to half males and half females, and among the males, most animals give birth to something sanctified in the firstborn and a minority to something not sanctified in the firstborn, that is, a resemblance (see above), and it turns out that the minority of the born are sanctified in the firstborn, and we do not concern ourselves with the minority (Chullin 77b; Rambam there; Tur Shulchan Aruch there).

If it fell, it requires the form of a head to exempt from the firstborn

If it fell, it needs the form of a head to exempt from the firstborn, the Rishonim disagreed:

There are those who hold that an animal fetus does not have a “womb opening” unless its head is as round as a weaver’s shuttle (Rambam, ibid. 13), meaning a small ball at the head of the rod with which the weaver weaves (Arukh, Peka).

And there are those who hold, that they only said this regarding impurity (see entry Nefel), but for the opening of the womb, neither head nor circle is needed (Laws of Firstborns by Ramban 16a)[3].

His commandment

The Commandment

A positive commandment to set apart every firstborn of a pure animal, and to separate it for what is appropriate to be done with it, as it is said: Sanctify to Me every firstborn, the first opening of every womb among the children of Israel, of man and of beast (Exodus 13:2).

Rambam Bikkurim 1:1, and Sefer HaMitzvot Positive Commandment 79), and this commandment is counted in the enumeration of the commandments (Sefer HaMitzvot there; SeMaG Positive Commandments 211; Chinuch 18) and also includes the separation of a firstborn human (see entry Pidyon HaBen) and a firstborn donkey (see entry Petter Chamor).

His Holiness

The firstborn is holy, and its holiness is from itself from the womb (so it implies in Chullin 70a), whether it is whole, or whether it is a tereifah (so it implies in Rambam, Bechorot 1:1).

And the Tannaim disagreed if there is a commandment also to sanctify it verbally:

There are those who say that since its sanctity is from the womb, it does not need to be consecrated verbally (Rabbi Yishmael in Arakhin 29a).

And there are those who say that it is a commandment to sanctify it verbally, as it is said: “All the firstborn, etc., you shall sanctify to the Lord your God” (Deuteronomy 15:19).

Sages there; Rabbi in Nedarim 13a), but if he did not consecrate it, behold it is consecrated by itself (Rambam there 4, according to Nedarim there; Shulchan Aruch YD 306:1), and so is the law (Rambam and Shulchan Aruch there)[4].

What is done with it

The firstborn is given to the priests (see below), except there is a distinction between a firstborn of a pure animal when it is unblemished, whose commandment is to offer it on the altar (see below), and a blemished one that is eaten as non-sacred (see below).

The Place of the Commandment

In the place of the commandment of the firstborn of a pure animal, the Rishonim disagreed:

There are those who say it applies both in the Land and outside the Land (Rambam there 1:5, according to our version; Raavad there; Sefer Mitzvot Gadol, Positive Commandments 211; Hilchot Bechorot by Ramban 51; Rosh Bechorot 5:13, in his name; Responsa of Rashba 1:301), as it is stated: Sanctify to Me every firstborn (Exodus 13:2), and they expounded: both in the Land and outside the Land (Midrash Tanaim there), for the sanctity of the firstborn depends on the

one who opens the womb, and this is a personal obligation that applies in the Land and outside the Land (Sefer Mitzvot Gadol there; Ramban there; Rosh there), and thus is the law (Tur Shulchan Aruch there)[5].

And there are those who say that the commandment of the firstborn of a pure animal is only applicable in the land (Rambam there, according to the version of Raavad and Hilchot Bechorot by Ramban there; Sefer HaMitzvot positive commandment 79, according to our version; Chinuch 18; Magen Avot by Meiri matter 15), and outside the land it is completely non-sacred by Torah law, and is only applicable by rabbinic decree (Chinuch there)[6].

Time of the Commandment

This commandment applies both in the presence of the Temple and not in the presence of the Temple (Mishnah Shekalim 8:8; Rambam there; Tur Shulchan Aruch there), but in this time it is not fit for sacrifice if it is unblemished, and it is delayed until it becomes blemished (Temurah 7b; Tur Shulchan Aruch there 5), and even if the owners or the priest wish to confine it until it dies on its own - they are not permitted, but the priest must raise it until it becomes blemished, due to the loss of sacred items, since it has a permit when it becomes blemished (Tosafot Bekhorot 53a s.v. ve'eizehu; Rosh Avodah Zarah 1:13; Tur Shulchan Aruch Yoreh De'ah 349:1).

His Giving to the Priest

The firstborn of a pure animal is one of the twenty-four priestly gifts given to the priests (Tosefta Challah (Lieberman) 2:8; Bava Kamma 110b; Rambam Bikkurim 1:5,14), whether it is unblemished or blemished, as it is said: "And their flesh shall be yours" (Numbers 18:18) in the plural form, "and their flesh" and not "and its flesh," to teach that both unblemished and blemished are given to the priests (Zevachim 37a, according to Rabbi Yose; there 57a, according to Rabbi Akiva; Rashi Bechorot 28a s.v. ve'idach; Commentary on the Mishnah by Rambam there 26b, in the name of Sifrei)[7], and in any case, an unblemished one during the time of the Temple does not grant the priest the right to sell it, and if he exchanged it, its exchange is not an exchange (Temurah 2b).

Firstborn that is not fit for sacrifice

In a firstborn that is not fit for sacrifice, such as a firstborn outside of the Land (see below), or one with a blemish - the Tannaim disagreed: some say that since the priest has a right to it during its lifetime - he effects substitution (Rabbi Yochanan ben Nuri in Mishnah Temurah 7b, according to the Gemara there 8b); and some say that since the sanctity applies to it under the ownership of an Israelite - the priest does not effect substitution (Rabbi Akiva in the Mishnah there, according to the Gemara there), and thus is the law (Rambam Temurah 1:9).

For the Male Priests

Even though the firstborn is also eaten by female priests (see below), but its giving is only to male priests (Rambam Bikkurim 1:10), and there are two reasons for this:

For he is about to offer its fat and its blood upon the altar, and only a man offers it (Rambam there), and even when the firstborn is blemished, since initially it was given only to the priest (Mishneh LaMelech there).

Firstborn of an animal is compared to the firstborn of a human (see Mekhilta Bo, Pisha 16, and Sifrei Korach 118), and just as the redemption of a human firstborn is to a male priest, so too the firstborn of an animal is given to a male priest (Rosh Bekhorot, Redemption of the Firstborn 4; Tur YD 306).

Fit for Service

And a blemish-free firstborn is given only to a priest who is fit for service at that time, but not to one who is a “tevul yom” (see its entry) or “mechusar kippurim” (see its entry), as it is said: “Their blood you shall sprinkle on the altar and their fat you shall burn, etc., and their flesh shall be yours” (Numbers 18:17-18).

Zevachim 102b).

To a Priest Who is an Am Ha’aretz

The firstborn is given to any priest (Challah 4:9), and the early authorities disagreed in the explanation of the matter:

There are those who explain that it is given both to a priest who is a haver, and to a priest who is an am ha’aretz (Commentary on the Mishnah by Rambam there; Tosafot Chullin 130b s.v. Minayin, based on Jerusalem Talmud there 4d).

And there are those who explain that it is given both to a priest who eats his non-sacred food in purity, and to one who does not eat his non-sacred food in purity, that if it is an unblemished firstborn offered in the Temple, all are careful with its purity, and if it is blemished, there is no need to be careful with its purity, for the impure and the pure together shall eat it, but to a priest who is an ignoramus, no gift from the priestly gifts is given (Rash and Bartenura there).

To the Priests of the Watch

Firstborn unblemished at the time of the Temple, there is a dispute about it if it is given to any priest he desires, even not from the men of the watch (Rashi Zevachim 102b s.v. et damam; Rambam Bechorot 1:15); or if it is only given to the men of the watch alone, like all the sacrifices (Jerusalem Talmud there; Rambam’s Commentary on the Mishnah there 9).

To this opinion, they disagreed regarding a blemished one:

There are those who say that it is only given to the men of the watch, because it was blemished with the permission of the priest, and therefore the one who is fit to eat it, if unblemished, acquires it when it is blemished (R. Shimon Sirleau there; Melechet Shlomo there, in his name).

And there are those who say that a blemished one, since he does not sanctify the sanctuary, he gives it to any priest he wishes (Mareh HaPanim there s.v. the firstborns).

To give to the priest in exchange received from another

Permitted Israelite to say to another Israelite: “Here is this sela, and give the firstborn that you have to a certain priest who is the son of my daughter or the son of my sister” (Mishnah Arakhin 28b; Rambam Arakhin 6:14, and Terumot 12:20), whether the firstborn is unblemished or whether it is blemished (Mishnah there; Rambam Terumot there).

And specifically when the owners wanted to give it to one of two priests for free, and his friend said to him, “Here is a sela, and give it to this one,” but the owners who said to the priest, “Here is this firstborn for you with benefit of enjoyment” - it is forbidden (Rambam there, based on Jerusalem Talmud Demai 6b), and the early authorities disagreed on the matter:

Some say that this is the law in practice (Rambam there and there).

And there are those who say that this law is not practical halacha (Bekhorot 27a, according to Rashi there s.v. “but these”, and Hilchot Bekhorot by Ramban 20a; Tur Yoreh De’ah 331), that this law was only stated from the Torah, but rabbinically they decreed not to do so (Mahariṭ Algazi there 4:3 s.v. “however”, in the name of Tosafot Chitzoniyot), since the priest is permitted at this time to sell the meat to an Israelite (see below) the priest might err and think that the money his maternal grandfather gave for the firstborn is its redemption, and it goes out to the profane, and there is no need to be careful in eating it in holiness (Gemara there, according to Rashi there and Hilchot Bekhorot there).

Everyone agrees that a priest who tells an Israelite to give to another priest who is his relative for a benefit - it is forbidden, because since it is fitting for him himself, it appears like a priest assisting in the threshing floor, who is not given a heave offering (see entry Gifts of the Priesthood).

Bechorot 27a, and Rashi s.v. Tovat Hana’ah; Beit Yosef there, in the opinion of the Rambam).

The Time of Giving

One does not give the firstborn to the priest immediately when it is born, for this is not an honor for the priest, but rather its owners should care for it until it grows a little and then give it to the priest (Rambam, Bikkurim 1:14; Tur, Shulchan Aruch, Yoreh De’ah 306:2).

And there is no measure for this from the Torah, but it is entrusted to the sages (so it implies in Bekhorot 26b; so it implies in the commentary on the Mishnah by Rambam there; Meshech Chochmah Shemot 13:2), and the Tannaim disagreed about it:

Some say thirty days (so it implies in Mekhilta Bo, Pisha 16; Sifrei Korach 118, according to Sifrei Devei Rav there), and they connected it to what is said regarding the firstborn: of man and of beast (Exodus 13:2; Numbers 18:15) - they compared the firstborn of a beast to the firstborn of a man, just as with the firstborn of a man you deal with him for thirty days, so too with the firstborn of a beast you deal with it for thirty days (Mekhilta there; Sifrei there).

There are those who differentiate: for small cattle thirty days, and for large cattle fifty days (Tanna Kamma in Mishnah Bekhorot 26b, and in Tosefta there (Zuckermandel) 3:1), and they based it on what is stated: “The fullness of your harvest and the outflow of your presses you shall not delay. The firstborn of your sons you shall give to Me. So shall you do with your oxen and with your sheep” (Exodus 22:28-29) - just as the firstborn of your sons after thirty (see entry Pidyon HaBen), so too small cattle after thirty (Rav Kahana in the Gemara there, and Rashi s.v. “Meleatecha”; Commentary on the Mishnah by Rambam there), and just as “the fullness of your harvest and the outflow of your presses” which are the first fruits after fifty, since by Passover the grain ripens and the first fruits are brought on Shavuot (see entry Bikkurim), so too the firstborn of your oxen after fifty (Rashi there); or it is learned from “you shall not delay,” as there are those among the Tannaim who hold that it is in one festival (see entry Bal Te’acher), and there is no lesser measure between festival and festival than between Passover and Shavuot which is fifty days (Commentary on the Mishnah by Rambam there)[8], and so is the law (Rambam there; Tur Shulchan Aruch there).

And there are those who say that for a small animal, three months (Rabbi Yossi in the Mishnah there), because its care is extensive (Rabbi Yossi in the Tosefta there), as its teeth are thin and it cannot eat grass, and if it is not still with its mother, it will die (Gemara there, and Rashi s.v. “as its teeth are thin”), and there is uncertainty if he holds that for a large animal, thirty days (Merkavat HaMishnah to Mekhilta there, in the second interpretation), or fifty days (Merkavat HaMishnah there, in the first interpretation).

In what are these words said? When there is a priest available, but when there is no priest available, he is obligated to attend to him until a priest becomes available (Rosh Bekhorot, Redemption of the Firstborn 2; Tur Shulchan Aruch there).

Feeding with Terumah and Right in Exchange

Even when the firstborn is still in the possession of the Israelite, it is permitted to feed it terumah (Tosefta Terumot (Lieberman) 10:7; Rambam Terumot 9:9), for it belongs to the priest (Rambam ibid.).

And Israel has, as long as it is in his possession, a right concerning substitution, that if he substituted, his substitution is a substitution, for the sanctity applies in his possession (Temurah 2b; Rambam Temurah 1:9).

Giving to the Priest Before the Time

Firstborn unblemished at this time, that the priest said to an Israelite within the time he is obligated to care for it: Give it to me and I will care for it, this one should not give it to him (Mishnah Bekhorot 26b; Rambam Bekhorot 1:14; Tur Shulchan Aruch Yoreh De'ah 306:3), because it appears like a priest assisting in the threshing floor so that they will give him the tithe, which they do not give him (see entry Gifts to the Priesthood), and also here since at this time a firstborn is not fit for anything until a blemish falls upon it, and when the priest said to him within this time give it to me and I will sustain it even though I will not benefit from it, it resembles hiring him and saving him from the burden, provided that he gives it to him and not to another priest (Gemara there, and Rashi s.v. that it appears).

He was unblemished at the time of the Temple, and the priest said to him: Give it to me immediately and I will offer it - it is permitted (Mishnah there; Rambam there 15), and likewise if it was blemished and the priest said to him: Give it to me and I will eat it - it is permitted (Mishnah there; Rambam there; Tur Shulchan Aruch there).

Refusal to Accept Him

It is forbidden for a priest to refuse to accept it because there is great effort in this time to handle it until a blemish occurs, as it appears as if he is disrespecting the priestly gifts (Rosh Bechorot, Redemption of the Firstborn 2; Tur Shulchan Aruch there 4), and even a doubtful firstborn the priest must accept immediately from the Israelite giving it to him (Terumat HaDeshen, Rulings and Writings 166, in the name of Maharam; Responsa Maharil 174; Rema there), unless the Israelite was negligent in the matter, such as if he bought a cow from a non-Jew whose birth is a doubtful firstborn, or he could have sold the firstborn to a non-

Jew before it was born and did not do so, the priest does not need to accept it (Rema there), and even in a place where he needs to accept it, it is forbidden for the Israelite to give it to him in order to provoke or take revenge on him (Terumat HaDeshen there, in the name of Maharam; Rema there).

In the law of the offering

His slaughter

The firstborn is light-sacrifices (see its entry.

Mishnah Zevachim 56b; Rambam Bechorot 1:2), and its slaughter in the Temple courtyard in any place (Mishnah there; Rambam there), that it does not require the north of the courtyard for its slaughter (Rashi Zevachim 55a s.v. “in any place”); and it is slaughtered for its sake, like all the offerings (Zevachim 7b); and it does not require laying on of hands, like all individual offerings that require laying on of hands (Mishnah Menachot 92a; Rambam Maaseh HaKorbanot 3:6), for we have no teaching to require them laying on of hands, and they associated it (Gemara there b) with what is said regarding laying on of hands: his offering (Leviticus 3:2), and they expounded: and not the firstborn (Torat Kohanim Leviticus, Nedavah Chapter 17:4; Gemara there; Rambam there), which comes as an obligation, and not for atonement and appeasement for sin (Rashi manuscript there s.v. “his offering”; Rabbeinu Gershom there s.v. “the heir”).

Throwing of its blood

Throwing its blood is with one application, against the foundation of the altar (Mishnah Zevachim there; Rambam Maaseh HaKorbanot 5:17), and the Rishonim disagreed if its blood is with sprinkling, as it is said: “The firstborn of an ox, etc., their blood you shall sprinkle on the altar” (Numbers 18:17).

Rashi there 37a s.v. “From where”, and s.v. “He reasoned”, and there 56b s.v. “Who is the Tanna”; Tosafot there 37a s.v. “Two”); or that they resembled in pouring (Tosafot there, in an additional explanation, according to the emendation of the Shitah Mekubetzet there letter Mem; Rambam Maaseh HaKorbanot 5:17; Meiri Sanhedrin 4a), and it was not said “You shall sprinkle”, except to exclude that it should not be with a finger like a sin offering (Tosafot there, according to the emendation of the Shitah Mekubetzet there)[9].

This injection is done in any direction he wishes from the three corners of the altar, except for the southeastern corner which did not have a foundation (Rambam there), and there are two teachings on the matter:

It is said: “Their blood you shall throw on the altar” (there), and it is not said “around”, as it is said in the burnt offering (Leviticus 1:11), and from here that it is one sprinkling (Rashi Zevachim 56b s.v. one application).

Since in the burnt offering we require that there must be two gifts which are four (Torat Kohanim Vayikra, Nedavah Parsha 4:9), and it included there in the part offered on the altar from the firstborn, if so, the sprinkling mentioned in the firstborn is logically less than the sprinkling mentioned in the burnt offering (conclusion of the Sifrei Korach 118, according to Rabbeinu Hillel there).

His flaying and the offering of his fats

After they have sprinkled the blood, they flay it, and remove its fats (see entry “fats”), and burn them on the altar (Rambam there 18), as it is said: “The firstborn of an ox, etc., their blood you shall sprinkle on the altar, and their fat you shall burn” (there.

Pesachim 64b).

Libations

The firstborn does not require libations (Mishnah Menachot 90b; Rambam Maaseh HaKorbanot 2:3), for in the section of libations it is stated: to make a vow or as a freewill offering (Numbers 15:3), to exclude those that do not come as a vow or freewill offering, but as an obligation, which do not require libations (Gemara there; Rambam there).

Who eats it

The flesh of the firstborn is eaten by the priests (Mishnah Zevachim 56b; Rambam Bechorot 1:2), as it is said: “and their flesh shall be yours” (Numbers 18:18).

Rashi on the Mishnah there s.v. “the firstborn”; Rambam there), and eaten by their wives and their servants (Tosefta Zevachim (Zuckermandel) 6:17; Rambam Maaseh HaKorbanot 10:5, and Bikkurim 1:10), as it is stated regarding it: “Before the Lord your God you shall eat it, etc., you and your household” (Deuteronomy 15:19).

Yes, it implies in Ibn Ezra there; RSR Hirsch there)[10].

The stranger who ate an olive’s bulk from the firstborn, whether before the sprinkling of the blood or after the sprinkling - receives lashes, as it is said: “You may not eat within your gates... and the firstborn of your cattle and your sheep” (Deuteronomy 12:17), by tradition they learned that this is a warning even to a stranger who ate a firstborn, whether before the sprinkling or after it (Rambam, Bechorot 1:16, based on Makkot 17a).

Time of its Eating

The time for eating the firstborn is two days and one night (Mishnah Zevachim there; Rambam Maaseh HaKorbanot 10:6), and the Tannaim disagreed from where this is learned (see Zevachim there).

And in any case, the essence of its commandment is that he should eat from the sacrifice on the day of its slaughter, but if any remains, even all of it, on the next day - it shall be eaten (Torat Kohanim Tzav Chapter 12:11).

The place of his eating

The firstborn is eaten in the entire city of Jerusalem (Mishnah Zevachim 56b), as it is said: “And you shall bring there, etc., and the firstborn of your cattle and your sheep” (Deuteronomy 12:6), and the scripture did not establish partitions of the courtyard, but rather: “And you shall bring there,” meaning to Jerusalem, thus it is eaten in the entire city (Rashi Zevachim there s.v. in the entire city)[11].

And anyone who eats a firstborn outside of Jerusalem transgresses a prohibition (Chinuch 445), and receives lashes for it, as it is said: You shall not eat within your gates... and the firstborn of your cattle and your sheep (Deuteronomy 12:17).

Makkot 17a; Rambam Bechorot 1:16), and this negative commandment is counted in the enumeration of the commandments (Sefer HaMitzvot, Negative Commandment 144; Sefer Mitzvot Gadol, Negative Commandments 242;

Chinuch there).

The time of its offering

Even though all the sacrifices are not valid ab initio for offering except from the thirtieth day and onward (see entry Sacrifices), the firstborn is valid even ab initio from the eighth day and onward, and even on the eighth day itself (Parah 1:4; Rambam, Maaseh HaKorbanot 1:12), as it is said: “On the eighth day you shall give it to Me” (Exodus 22:29).

Commentary on the Mishnah by Rambam there).

Firstborns from outside the Land that were brought to the Land of Israel

Firstborns from outside the Land that were brought to the Land of Israel, the Tannaim disagreed if they are offered:

There are those who say that initially they are not brought to the land, but if they came and they are unblemished - they shall be offered (anonymous Mishnah Temurah 21a).

And there are those who say that they are not offered (Mishnah Challah 4:11; Rabbi Akiva in Sifrei Re’eh 126, and in Tosefta Sanhedrin (Zuckermandel) 3:5, and in Temurah there 2), as it is said: “And you shall eat before the Lord your God, etc., the tithe of your grain, etc., and the firstborn of your herd and flock” (Deuteronomy 14:23) - from the place where you bring up the tithe of grain, you bring up the firstborn, and from the place where you do not bring up the tithe of grain, you do not bring up the firstborn (Rabbi Akiva there and there and there), and if he brought, it shall not be offered and shall be eaten in its blemish (Rambam Bechorot 1:5), and so is the law (Rambam there)[12].

Ba’al Mum

His slaughter

A firstborn that has a blemish is not slaughtered as a sacrifice, but it is slaughtered as non-sacred in any place, as it is said regarding the firstborn: And if there be any blemish therein, lame or blind, any evil blemish, thou shalt not

sacrifice it unto the Lord thy God; in thy gates thou shalt eat it (Deuteronomy 15:21-22).

Sifrei Re'eh 126). I only have that it was born unblemished and became blemished, if it was born blemished in its mother's womb, from where, it is said: any evil blemish (there. Sifrei there)[13].

And even though all the consecrated animals that have a blemish require redemption (see entry Blemished), the firstborn is slaughtered without redemption (Rambam Bechorot 2:1).

One may only slaughter for a visible and permanent blemish, as it is expounded: "And if there be any blemish therein," a general statement, "lame or blind," a specific statement, "any evil blemish," a return to a general statement, and a general-specific-general principle is only judged like the specific - just as the specific is explicit blemishes that are visible and permanent, so too all blemishes that are visible and permanent (Bekhorot 37a), and therefore all permanent blemishes that disqualify the consecrated and are redeemed for them, if one of them falls upon a firstborn, it may be slaughtered for it anywhere (Rambam there); but a temporary blemish one may not slaughter for it, neither in the Temple as a sacrifice nor in the province as non-sacred (Mishnah Bekhorot 41a; Rambam there 2), rather it shall graze until a permanent blemish falls upon it, and he shall slaughter it for it (Rambam there), and the same applies to all things for which the consecrated are not offered nor redeemed, such as the sick, or if a transgression was committed with it and the like, that it shall stand until a permanent blemish falls upon it (Rambam there).

Expert

Firstborn that has a blemish, it is not slaughtered except by the authority of an expert (Mishnah Bekhorot 28a; Rambam Bekhorot 3:1; Tur Shulchan Aruch Yoreh De'ah 306:5) who is knowledgeable in the laws of blemishes, and in addition, he is also skilled in visual inspection to examine and scrutinize blemishes and recognize them well (Rosh Bekhorot 5:11, in the name of Rabbeinu Yonah), and the Nasi in the Land of Israel gave him permission and said to him: Permit firstborns with their blemish (Rambam there, based on Sanhedrin 5a).

If there was a clear and obvious blemish to all, such as his eye was blinded, his hand was cut off, and his leg was broken (Mishnah Bekhorot 36b) - if there is an expert there, all agree that they only permit through an expert (Gemara there; Rambam there 2; Tur Shulchan Aruch there 2), but if there is no expert there, the Tannaim disagreed:

There are those who say that an expert is not needed, but rather it suffices with three members of the synagogue (Tanna Kamma in the Mishnah there), that even though they are not so wise, they have some knowledge since they are accustomed to coming regularly to the synagogue (Hon Ashir on the Mishnah there), and so is the law (Gemara there; Rambam there; Tur Shulchan Aruch there).

And there are those who say that even if there are twenty-three there, it is not slaughtered except by the authority of an expert (Rabbi Yossi there).

In this time

At this time, there is no important expert person to permit a firstborn alone (Tosafot there s.v. Pask), and there is no prince in the land of Israel to give permission (Beit Yosef there), and therefore the permitting of the firstborn is by three members of the synagogue, and only in the obvious blemishes visible to all (Rosh there; Tur Shulchan Aruch there).

And the same law applies outside the Land, even at the time when the Temple was standing, that it is permitted by three members of the assembly, and specifically with a clear blemish (Gemara there 36b; Rambam there), and even if the firstborn was born in the Land of Israel and went outside the Land and there a clear blemish occurred (Rambam there).

They showed it to an expert after its slaughter

The firstborn was slaughtered not according to an expert, and afterwards it was shown to an expert and a blemish was found in it, if the blemish was in the membrane of the eye - a blemish sunken in the pupil of the eye (Ra'am Leviticus 21:1, according to Mishnah Bekhorot 38b) - which can be said to have changed after death due to the distress of death, all agree that it is not permitted, lest in life it appeared as a passing blemish, and now it appears as permanent (Mishnah there 28a, and Rashi s.v. Mishtanin).

Found in it a blemish in the body that does not change due to death, the Tannaim disagreed: some permit (Rabbi Yehuda there); and some prohibit - due to a penalty (Gemara there b) - since it was slaughtered not by an expert (Rabbi Meir in the Mishnah there), as they decreed blemishes in the body because of blemishes in the eye (Gemara there a).

Even regarding the law, the early authorities disagreed: Some ruled according to the first opinion (Rosh there 4:3, in the name of Mar Shmuel HaKohen bar Chofni Gaon and the Sheiltot; Tur YD 310, in the name of the Sheiltot); and some ruled according to the second opinion (Sheiltot 44; Halachot Gedolot, Hilchot Bechorot, p. 674 in the Jerusalem Institute edition; Rambam Bechorot 3:4), and thus is the law (Tur Shulchan Aruch there 1)[14].

The place of his eating

Firstborn with a blemish, whether it was born with its blemish or whether a blemish occurred after it was unblemished, is eaten in any place (Rambam there 1:3; Tur Shulchan Aruch Yoreh De'ah 306:5), for they did not say it is eaten in the entire city except when it is unblemished and slaughtered as a sacrifice, but not when it is blemished (Kesef Mishneh there).

Who eats it

The Tannaim disagreed about who are permitted to eat the meat of a firstborn with a blemish:

Some say that an Israelite should not be counted with the priest regarding the firstborn (Beit Shammai in Mishnah Bekhorot 32b, and in the Baraita there, and in Tosefta there (Zuckermandel) 3:15), that even if a priest invited an Israelite guest for the blemished firstborn, he should not eat with him (Rashi there s.v. lo yimneh), as it is said: "And their flesh shall be yours, as the wave breast and as the right thigh" (Numbers 18:18) - just as the breast and thigh are eaten by priests and not Israelites, so too the flesh of the firstborn (Gemara there), and it is written "and their flesh" and not "and flesh" to teach that this is the law both for unblemished and blemished (Tosafot there 33a s.v. uveit).

Some say that even non-priests eat it (Beit Hillel in the Baraita there 32b, and in the Tosefta there), as it is stated regarding a blemished firstborn: the impure and the pure together (Deuteronomy 15:22), and we learn an a fortiori argument: if the impure, who does not eat in lesser sanctities (see entry Eating of Sanctities), eats in the firstborn, a non-priest who eats in lesser sanctities, is it not logical that he should eat in the firstborn (Gemara there 33a).

And there are those who say that even to a non-Jew it is permitted to feed it (Beit Hillel in the Mishnah there; Rabbi Akiva in the Baraita there, and in the Tosefta there), as it is said regarding a firstborn with a blemish: "as the gazelle and as the deer" (Deuteronomy there) - just as the gazelle and deer are permitted to a non-

Jew, so too a firstborn with a blemish is permitted to a non-Jew (Gemara there), and so is the law (Tosafot there s.v. Pask, in the name of R"Y; Rambam there; Tur Shulchan Aruch there).

And specifically to invite the non-Jew to eat (Yam Shel Shlomo Chullin 4:4; Shach there, section 7, in his name), but it is forbidden to sell it to him (the sale according to Rav Hai Gaon; Yam Shel Shlomo there; Shach there, in his name), except for its milk alone, which is forbidden for consumption by an Israelite (Halachot Gedolot there, page 676 in the Jerusalem Institute edition; the sale there), and it is a rabbinic decree due to the disgrace of sacred items (Yam Shel Shlomo there; Shach there, in his name)[15].

To feed it to a dog

And the early authorities disagreed if it is permitted to feed the meat of a blemished animal to dogs:

There are those who prohibit, for regarding disqualified consecrated animals it is stated: “and you shall eat” (Deuteronomy 12:15), and they expounded: but not for your dogs (Bekhorot 15a), and even a blemished firstborn is included (Rashba Chullin 69b; Ran there; Rabbeinu Yerucham 22b; Shakh there section 8).

And there are those who permit, for they did not say “and you shall eat, and not for your dogs” except in the case of a tereifah, which is only fit for dogs, but with kosher, which is fit for Israel, it is permitted to feed it to dogs (Tosafot Zevachim 71b s.v. u’v’tereifah; Hagahot Mordechai Yevamot 126; Yam Shel Shlomo Chullin there; Rema there), except that they should give it in a casual manner, such as the leftover meat with the bones, but they should not throw it directly to the dogs, due to the disgrace of sacred items (Yam Shel Shlomo there).

Eating of Impure

If it is permitted to feed it to the impure, the Tannaim disagreed:

Some say that one does not feed it to menstruants (Beit Shammai in Tosefta Bekhorot (Zuckermandel) 3:16, and in the Baraita there 32b), and to anyone whose impurity comes from their body (Gemara there, according to this opinion), since it is stated: “And their flesh shall be yours, like the breast of the wave offering and like the right thigh” (Numbers 18:18), it is thus compared to the breast and thigh of peace offerings, and just as menstruants do not eat the breast and thigh (see entry Eating of Sacrifices), so too here, and even though it is

stated: “The impure and the pure together shall eat it” (Deuteronomy 12:22), it is said regarding other impure ones, as we find in the Passover offering that comes in impurity there is a difference between an impure person whose impurity comes from their body and other impure ones (see entry Eating of Passover Offerings), so too with a blemished firstborn it is only permitted when the impurity does not come from their body (Gemara there).

And there are those who say that they even feed to menstruants (Beit Hillel in Tosefta there, and in the Baraita there), as “the impure and the pure together shall eat it” speaks about all the impure, and there is no distinction between impurity that comes from one’s body and other impurities, as in Passover, where “impure” is simply written regarding the firstborn, and not “impure of soul” as it is written in Passover (Tosefta Bekhorot 3, and Gemara there 33a), and so is the law (Laws of Firstborns by Ramban 41b).

When a Terefah is Found

And a blemished firstborn was not permitted in eating and benefit, except when the blemished firstborn was slaughtered and found fit, but if found treifah, the meat is forbidden in benefit and requires burial (Zevachim 104a, and Tosafot there s.v. Amar Rabbi; Rambam Bechorot 3:10; Tur Shulchan Aruch there 2).

Enjoyment from its skin

And specifically with enjoyment from its flesh, but with enjoyment from the skin of a blemished animal found to be a terefa, the Tannaim disagreed:

Some say that the skin is permitted for benefit (Rabbi Akiva in Mishnah Zevachim 103b, according to Gemara there 104a, and Rashi s.v. “that even,” and s.v. “and the skin,” and the Rosh Bekhorot 3:7 and there 4:2), if its defect was not recognizable until after slaughter and skinning, but if it was recognizable beforehand, even the skin is forbidden and requires burial (Rashi there s.v. “that even”).

And there are those who say that the skin is forbidden in benefit (Sages in the Mishnah there, according to the Gemara there, and Rashi there, and the Rosh there), and requires burial, and it must be buried slightly deep so that they do not come to dig after it, and after it becomes dust there is no concern (Tosafot Avodah Zarah 62b s.v. Velikberinehu), and so is the law (Gemara Zevachim there, according to Rashi’s version in s.v. Veha’or; Tur Shulchan Aruch Yoreh De’ah 347:2)[16].

The firstborn was slaughtered not according to an expert, or it died, all agree that the skin is forbidden in benefit and requires burial (Gemara there, and Rashi s.v. that even; Rambam Bechorot 3:10)[17].

The time of his stay

The firstborn is eaten within its year, whether unblemished at the time of the Temple, or blemished even at this time, as it is said: Before the Lord your God you shall eat it year by year (Deuteronomy 15:20).

Mishnah Bekhorot 26b; Rambam Bekhorot 1:8; Tur Shulchan Aruch Yoreh De'ah 306:7), and they said: A year for an unblemished, a year for a blemished (Jerusalem Talmud Rosh Hashanah 1:1)[18].

And the early and later authorities wrote that from the Torah, only an unblemished one is eaten within its year, but a blemished one, the commandment of eating it within its year is rabbinic (so it implies in the Jerusalem Talmud there and Shekalim 3b; Yereim 142; Levush YD 306:7; Perisha there, subsection 16; Taz there, subsection 6; Turei Even Rosh Hashanah 7a) lest it be delayed and come to a mishap in shearing and work, and they supported it with a verse (Perisha there; Taz there)[19].

And they do not count for the year of the world except for the year of the firstborn, as it is said: "year by year" (there) - which is the year that enters into its companion, you will say the year of the firstborn (Rav Yehuda said Rav in Bekhorot 27b), that when the year of the firstborn is complete, the second year enters into the count of the world (Rashi there s.v. one day)[20].

Year of the Sun or Year of the Moon

This year, the Tannaim disagreed whether it is a solar year or a lunar year:

For those who hold that the year mentioned in walled cities is three hundred and sixty-five days, because it is said there: a full year (Leviticus 25:30) as the number of solar days (see entry walled cities), so too the year of a firstborn is the same, as we learn "year" "year" from walled cities, and even if the year is a leap year, the intercalated month is not included in the year, for in the solar year there is no intercalation (see entry year.

Arachin 31b, according to Rabbi).

And for those who hold regarding walled cities that they count twelve lunar months from day to day, and if the year is intercalated, the intercalated month is included in the year, and they count thirteen months, so too in the year of a firstborn (Gemara there, according to the sages), and so is the law (Rambam Bechorot 1:12; Tur Shulchan Aruch Yoreh De'ah 306:10).

Therefore, if two firstborn lambs were born to him, one on the fifteenth of the first Adar, and one on the first of the second Adar, this one born on the first of the second Adar, once the first day of Adar of the following year arrives, a year has passed for it, and the one born in the middle of the first Adar does not complete its year until the middle of Adar of the following year, since it was born in the leap month, it is counted for it (Gemara there, and Rashi s.v. "did not write complete"; Rambam there; Tur Shulchan Aruch there 11).

From when do we count this year

From when do we count a year for a firstborn?

If it is complete, the Amoraim disagreed whether to count from the eighth day of its birth, when it is fit for offering (see entry lacking time.

Rabbi Acha bar Yaakov in Rosh Hashanah 6b, according to the Gemara there), and so is the law (Rambam there; Tur Shulchan Aruch there); or from the time of his birth, as it is said: "Every firstborn that is born, etc., you shall sanctify" (Deuteronomy 15:19).

Rabbi Chona in Yerushalmi Shekalim 3a, and Rosh Hashanah 1a; Rabbi Mana, in the name of Rabbi Yona his father, there and there), and since there is no need for verbal sanctification (see above), you are compelled to say it only comes to teach that it is sanctified and fit for consumption from the time "which will be born" (Pnei Moshe there).

Everyone agrees that if a blemished one is born, they count for him from the day he was born (Abaye in Bavli there, according to Gemara there 7a; Rav Chuna and Rabbi Mana, in the name of Rabbi Yona his father, in Yerushalmi there and there).

And specifically when his months are complete, that he appears fit for eating on the day of his birth, but if they do not know for certain that his months are complete (see entry Nefel) they count for him from the eighth day (Gemara there 7a; Rambam there; Tur Shulchan Aruch there).

In what are these words said? When he was born with his blemish, but if he was unblemished and became blemished, and the blemish occurred within his year, the early authorities are divided on the matter:

There are those who say that since it was not fit for eating until the eighth day, even if its months were completed, it is only counted from the time it is fit for offering (Tosafot there s.v. ha; Shakh Yoreh De'ah 306:14, in the opinion of Rashi and Rambam and the Sefer Mitzvot Gadol).

There are those who say that a blemished one, even if the blemish developed within his year, is counted from the day of his birth, if it is known that his months were completed (Tur there; Rabbeinu Yerucham 22b; Levush there 7).

And there are those who differentiate: in the time of the Temple when the unblemished was standing for sacrifice, they count for it from the eighth day, but in this time, when even before it was blemished it was not standing for sacrifice, but for eating when a blemish falls upon it, they count from the day of its birth (Birkei Yosef there, section 4, in the opinion of the Tur).

Transgressed and Delayed After Its Year

Passed and delayed the firstborn after its year, even though he transgresses a negative commandment (see entry "Do Not Delay"), if it was unblemished, it is not disqualified, but he offers it, and if it was blemished, he slaughters it anywhere (Rambam there 13, according to Rosh Hashanah 5b; Tur Shulchan Aruch there 12), as it is said: "And you shall eat... the tithe of your grain... and the firstborn of your cattle and your sheep" (Deuteronomy 14:23) - the firstborn is compared to the tithe, just as the tithe is not disqualified from one year to the next (see entry "Separation of Tithes"), so too the firstborn is not disqualified from one year to the next (Gemara there; Rambam there).

A blemish was born in it

Born to him a blemish after its year, he is not permitted to keep it except for thirty days (Mishnah Bekhorot 26b; Rambam Bekhorot 1:9; Tur Shulchan Aruch Yoreh De'ah 306:8)[21].

Born to him a blemish at the end of his year, from the side of the law he was not permitted to maintain it after its year even for one hour, but because of the return of a lost item to the owners, that is the priest (Gemara there 28a), they said to maintain it for thirty days from the day the blemish occurred, and even though it

is delayed after its year, how so, for example, if a blemish occurred fifteen days before the end of its year, they complete for it another fifteen days after its year (Gemara there; Rambam there; Tur Shulchan Aruch there).

And what is the returning of a lost item here, that sometimes a priest will not be found to give to him, and if he slaughters it the meat will spoil, and if even after thirty days a priest is not found, he should slaughter it and salt the meat until a priest is found (Rashi there s.v. is not permitted)[22].

In this time

The firstborn at this time, which is not fit for sacrifice until it is shown to a sage, is permitted to keep it for two or three years (Gemara there, and Rashi s.v. at this time; Rambam there 11; Tur Shulchan Aruch there 9), meaning that as long as a sage is not available, he is permitted to keep it, and he is not required to take it to a distant place where the sage is located (so it implies in Jerusalem Talmud Rosh Hashanah 1:1; Tosafot there s.v. until; Shach there subparagraph 15, in the opinion of the Tur Shulchan Aruch)[23].

His Sale

Redemption

The firstborn is not redeemed, as it is said: However, the firstborn of an ox or the firstborn of a sheep or the firstborn of a goat you shall not redeem; they are holy (Numbers 18:17).

Bechorot 32b; Rambam Bechorot 1:17), and this prohibition is counted in the enumeration of the commandments (Sefer HaMitzvot, Negative Commandments 108; Sefer Mitzvot Gadol, Negative Commandments 243; Chinuch 293).

And there is no distinction between an unblemished and a blemished [animal], and if he redeemed, he did nothing, and it remains in its sanctity as at the beginning (Mishnah Temurah 21a), whether because it is said there: “They are holy” (ibid.) - they shall remain in their state (Temurah 5b, according to Abaye), that they do not leave their sanctity through redemption (Rashi there s.v. shani hatam), or because whatever the Torah said not to do, if he did, his actions did not succeed (Gemara there, according to Rava).

Passed and redeemed - he does not receive lashes for it, either because since his actions did not succeed, there are no lashes (Mishneh LaMelech there, according to Rambam there 6:5), or because it is possible to transgress it without an action (Chinuch there).

Sale of a Tam

The firstborn when it is unblemished during the time of the Temple, it is not sold, for since it is designated for sacrifice - the priest has no right in it to sell it (Bava Kamma 12b and Temurah 7b; Rambam Bechorot 1:17)[24], and even after the priest has slaughtered it as a sacrifice according to its law, and offered the fats, when it is permitted to eat it, it is forbidden to sell its meat to another priest, for it is a disgrace to sacred things to make merchandise of something that was offered on the altar (Rashi Temurah 7b s.v. “sell”, and s.v. “not sell”; Rambam Bechorot 1:18).

But in this time, or outside of the Land even during the time of the Temple when it is not standing for sacrifice (see above), the priest sells it when it is unblemished and alive (Second Tithe 2:2, according to Bava Kamma there, and Temurah there; Rambam there)[25], and likewise when it is blemished, the priest sells it whether alive or slaughtered (Second Tithe there; Rambam there 18; Tur Shulchan Aruch Yoreh De’ah 306:6), whether in the presence of the Temple or not in the presence of the Temple (Rambam there), as it is said: “You shall not redeem” (there) and it is not said “it shall not be redeemed,” as it is said regarding the tithe of animals (Leviticus 27:33), to teach that it does not have redemption to be desecrated from its sanctity, but it does have sale (Sifra Bechukotai Chapter 13:4; Bava Kamma there, and Temurah there) when it is blemished (Temurah 8:1)[26].

In what matters are these words stated? When the buyer purchases it for his own need, but it is forbidden to engage in commerce with it, meaning to buy it in order to profit. And if he bought it for his own need and afterward did not need it, he may return and sell it (Shevi’it 7:3-4; Rambam Bechorot 5:9; Tur Shulchan Aruch Yoreh De’ah 347:3), and the Tannaim disagreed in such a case whether it is permitted to sell it in any manner (Tanna Kamma in Tosefta Shevi’it (Lieberman) 5:10), and so is the law (Rambam there; Tur Shulchan Aruch there); or that it is forbidden to sell it for profit, and he should only sell it for the price he bought it (Rabbi there)[27].

A slaughtered blemished animal at this time has no sale, for it is forbidden for benefit because of outside slaughter (see its entry. Temurah 7b).

To whom can he sell it

Firstborn unblemished in this time, that the priest can sell it alive, the Amoraim disagreed about to whom he can sell it:

Some say that he sells it to another priest, but not to an Israelite (Rav Chisda in Temurah 8b), because a firstborn at this time is sold cheaply, as the buyer needs to keep it until it develops a blemish. Therefore, this priest who sells it cheaply to an Israelite appears like a priest assisting in the threshing floors, as it seems that he is lowering the price so that he will give him other firstborns that will be born in his flock (Rav Huna the son of Rav Yehoshua there, according to this opinion, and Rashi s.v. this is the reason).

And there are those who say that we do not worry about this, and it is permitted for him to sell it to an Israelite (Rav Ashi there), and so is the law (Rambam Bekhorot 1:17; Tur Shulchan Aruch there).

Sale of Firstborn Animal with a Blemish

Meat of a firstborn with a blemish that is sold, it is not sold in the market, where many take and it is sold at a high price, and it is not weighed, but sold in his house even though people will not jump on it so much, and it is weighed by estimate, even if it loses money, because selling in the market and weighing is a disgrace to the holy meat (Mishnah Bekhorot 31a, and Rashi s.v. in the butcher shop and s.v. their benefit; Rambam, Issurei Mizbeach 1:12; Tur Shulchan Aruch Yoreh De'ah 306:6)[28].

This prohibition is rabbinic (Jerusalem Talmud Moed Katan 2:3; Ramban's Laws of Firstborns 41a; Rosh Bechorot 5:1)[29], and it applies only to meat, because it is fit for eating they made a distinction with it, but its fat, sinew, skin, and horns, which are not fit for eating, they did not make a distinction with them, and they are sold in the market and weighed (Laws of Firstborns there; Rosh there; Tur Shulchan Aruch there)[30].

Permission of Weighing

Two safeguards for the prohibition of weighing:

It is permitted to weigh the meat of the firstborn piece against piece (Mishnah there; Rambam Bechorot there; Tur Shulchan Aruch there), that if he has a piece of non-sacred meat that has already been weighed, he can weigh the firstborn meat against it (Rashi there s.v. Veshoklin), and similarly it is permitted to weigh the meat of the firstborn against a vessel (Hilchot Bechorot there and Rosh there, based on Beitzah 29a; Tur Shulchan Aruch there).

It is permitted to weigh the meat, after dividing it, in order to appease oneself and to set one's mind at ease to know how much has come to one's portion (Rabban Shimon ben Gamliel in Tosefta Bekhorot (Zuckermandel) 3:14).

Loaves of Holiness

From when does the sanctity apply

Sanctity of the firstborn applies to the firstborn from when most of it or its head emerges through the womb (Chullin 69b, and Rashi s.v. "and throws," and s.v. "emerges," and Bekhorot 35a s.v. "kid"), as it is said: "All the firstborn that is born" (Deuteronomy 15:19), and birth is with the emergence of the majority or the head (Rashi Chullin there s.v. "emerges," and s.v. "retroactively").

And Amoraim disagreed from when the sanctity applies when most of it emerges:

There are those who say that retroactively it is sanctified, that when most of it emerged it was clarified retroactively that from the beginning it was the birth and it was sanctified in the firstborn (Rav Huna there, and Rashi s.v. retroactively).

And there are those who say that from here and onward it is holy, that from the emergence of the majority and onward it is sanctified, and at the beginning of its birth it was secular (Rabbah there, and Rashi s.v. from here).

Even the early authorities disagreed on the matter: there are those who rule according to the first opinion (Rambam, Bekhorot 4:14-15; Shulchan Aruch, Yoreh De'ah 309:1-3); and there are those who rule according to the second opinion (Hilchot Bekhorot by Ramban 15:1; Rosh there 4:4; Rema there 1-3, in the name of "some say").

And a number of differences in law between the opinions, for example, the first-time birthing animal having difficulty giving birth:

To the first opinion, when you cut limb by limb and leave them until most of it emerges, it is forbidden afterward to throw the cut limbs to the dogs, but they require burial, for now that most of it has emerged, they are retroactively

sanctified as well, and it is only permitted to cut limb by limb and throw to the dogs before most of it emerges.

And according to the second opinion, it is permitted to throw to the dogs even when he cuts and leaves until most of it comes out, for what is cut before the emergence of the majority does not have any sanctity at all (Gemara there 70a, and Rashi s.v. Mechatech).

Came out through the womb but did not touch its walls

Opened - widened - the walls of the womb and the offspring did not touch the womb, but went out through its air, this is a doubtful firstborn, for it is doubtful in our hands if the touching of the womb sanctifies or its air, and the same law applies if it went out through the womb but did not touch the walls of the womb due to an interruption between them, such as being wrapped in the placenta of another animal (Chullin 70a; Rambam, Bechorot 4:17,19).

And so when the walls of the womb were uprooted and hung on its neck, and it went out through there, this is a doubtful firstborn, for it is doubtful in our hands if it is sanctified in its place, or even outside its place (Gemara there; Rambam there 20).

Inflicting a Blemish Before It Emerges into the Air of the World

Since the sanctity of the firstborn does not take effect until it comes into the world, it is permitted to inflict a blemish on the firstborn before it comes into the world (Bekhorot 3b; Rambam Bekhorot 2:14; Tur Shulchan Aruch Yoreh De’ah 313:7).

Indeed, at the time when the Temple exists, the matter is prohibited by rabbinic decree, because it removes it from its sanctity (Temurah 24b; Rambam there) [31].

Dedication for the Offering

It is permissible to circumvent the firstborn and exempt it from the priest by consecrating it in the womb as another consecration, and he should say before it is born, what is in the womb of this firstborn if it is a male, it is a burnt offering (Mishnah Temurah 24b; Rambam Temurah 4:12), as it is said: “But the firstborn which will be born to the Lord among animals, no man shall consecrate it” (Leviticus 27:26) - once it is born you do not consecrate, but you consecrate in the womb (Temurah 25a; Rambam there).

And specifically for a burnt offering, which is entirely consumed, but it is forbidden to consecrate it for peace offerings (Gemara there 24b; Rambam there) in order to benefit from it (Rambam there).

He said about the firstborn while it was still in the womb: with the emergence of most of it, it will be a burnt offering, behold it is a firstborn and not a burnt offering (Gemara there 25a; Rambam there), for the words of the master and the words of the student, whose words do they listen to? (Abaye in Gemara there) And since the two sanctities come at once, the words of the master who said it should be a firstborn take precedence (Rashi there s.v. And Abaye said and s.v. Here too)[32].

Those obligated in the firstborn

All are obligated in the firstborn of a pure animal, priests, Levites, and Israelites (Mishnah Bekhorot 13a; Tur Shulchan Aruch Yoreh De’ah 316:1)[33], although no covenant was made with the priests and Levites regarding the firstborn of their sons - and they are exempt from the redemption of the son - nevertheless, a covenant was made with them regarding the firstborn of their animals, as it is said: “All that opens the womb is Mine” (Exodus 34:19) - to include the Levites (Sifrei Zuta Numbers 18:15)[34].

The Levite gives it to the priest like all Israel (Or Zarua Part 1 Tetzai)[35], and the priest separates it and retains it for himself (Tur Shulchan Aruch Yoreh De’ah 331:1), and it follows the law of the firstborn (Maimonides Bechorot there), and he is not obligated to give it to another priest, for he acquires it from others, all the more so from his own (Or Zarua there).

And if he was a doubtful Kohen or doubtful Israelite, such as when the offspring were mixed, it is impossible to force him to give the firstborn to another Kohen, lest he is a Kohen, and the burden of proof is on the claimant. Therefore, in this time, he should keep the firstborn with him until it develops a blemish and he

eats it. But in the time of the Temple, and the firstborn is unblemished, since the Kohen has no right during its life, the treasurer comes and takes it from him against his will and gives it to another Kohen (Mishnah Yevamot 99b, according to Temurah 8a).

Partners

In the animal of the partners, the Tannaim disagreed:

There are those who obligate in the firstborn, as it is said: “and the firstborn of your cattle and your sheep” (Deuteronomy 12:6) in the plural language, and even though it is said: “every firstborn, etc., of your cattle and of your sheep” (ibid. 15:19) in the singular language, it was only said to exclude a partnership with a non-Jew (see below), and not a partnership with an Israelite (Sages in Chullin 136a), and so is the law (Rambam, Bechorot 4:1; Tur, Shulchan Aruch Yoreh De’ah 320:2).

And there are those who exempt, as it is said: in your cattle and in your flock, singular language, and even though it is said: and you shall cut your cattle and your flock, in plural language, it does not come to include those of partners, but rather speaks to all Israel (Rabbi Elai there).

Gentile

The animal of the gentile is exempt from the firstborn, whether the mother is of the gentile and the offspring of Israel, or whether the offspring is of the gentile and the mother of Israel, and therefore one who buys the calf of a gentile’s cow and likewise one who sells to him, even though he is not permitted to sell a large animal to a gentile (see entry large animal), is exempt from the firstborn (Mishnah Bekhorot 13a; Rambam there 2), and there are two teachings on the matter:

It is said: “And every firstling of a beast which you have” (Exodus 13:12) - to exclude one who sells the offspring of his animal to a gentile, and it is said: “which will be born of your herd and of your flock” (Deuteronomy 15:19), to exclude one who buys the offspring of a gentile’s animal (Mekhilta Bo, Pischa 18).

It is said: “I have sanctified to Me every firstborn in Israel” (Numbers 3:13), “in Israel”, and not in others (Mishnah Bekhorot 2:1, and Rashi s.v. as it is said) - to exclude when the fetus is of a non-Jew (Tosafot there s.v. the buyer), and it is

said: “and all your livestock shall be remembered” (Exodus 34:19) - to exclude when the mother is of a non-Jew (Tosafot there, according to the Gemara there 3a).

Partnership with a Gentile

Partnership of a non-Jew in a fetus exempts from the firstborn (anonymous Mishnah Bekhorot 13a; Tanna Kamma in Tosefta there (Zuckermandel) 2:1; Rambam Bekhorot 4:1; Tur Shulchan Aruch Yoreh De’ah 306), as it is said: “Every firstborn, etc., among the children of Israel, in man and in beast” (Exodus 13:2), and “every firstborn” implies that the entire firstborn should be “among the children of Israel” (Gemara there 3a)[36].

And likewise, a partnership with a non-Jew in a pregnant mother exempts from the firstborn (Gemara there 3a; Rambam there; Tur Shulchan Aruch there), as it is said: “All that opens the womb is Mine, and all your livestock that is male” (Exodus 34:19).

Gemara there) - If all the acquisition will be yours, then “you shall remember”, that is, you shall consecrate it (Rashi there s.v. all your acquisition, according to Onkelos there).

And the Amoraim disagreed on how much the partnership of a non-Jew should be and be exempt from the firstborn:

There are those who say that there should be a portion for a non-Jew in a matter that if it is removed, the animal becomes a carcass, since the life of the animal is in the hands of the non-Jew, it is as if it is entirely his (Rav Chisda in Bekhorot 3a, and Rashi s.v. Neveilah).

There are those who say that there will be a portion for a gentile in a matter that makes it a terefa (Rava there), for he holds that even a terefa does not live (see entry Terefa), and behold it is as if it is entirely of the gentile (Gemara there).

And there are those who say that even if the non-Jew has a part that if taken from the mother or the fetus it would be considered a blemish, and even a minor blemish, the offspring is exempt from the firstborn (Rabbi Yochanan and Rav Huna there b), and so is the law (Tosafot there s.v. Deka; Rambam there; Tur Shulchan Aruch there d)[37].

A non-Jew had one in a thousand in the mother or in the offspring, this is exempt from the firstborn (Rambam there; Tur Shulchan Aruch there) according to all opinions, as it is possible that this part is the heart or the brain and the like,

where the animal's life depends on it (Shach there section 3).

The one who tends to an animal in order to have a share in the offspring

The one who receives an animal from a non-Jew to tend to it and the offspring will be divided between them, or a non-Jew who received from an Israelite thus, behold this is exempt from the firstborn, for any case where a non-Jew's hand is in the middle exempts from the firstborn (Tanna Kamma in Tosefta Bekhorot (Zuckermandel) 2a, and in the Gemara there 2b; Rambam there 3; Tur Shulchan Aruch there 3)[38].

To initially transfer to a non-Jew a portion in a fetus

In the Gemara, they said that it is forbidden ab initio to transfer to a non-Jew a portion in the fetus in order to exempt it from the firstborn, whether because it removes it from its sanctity, or because there is concern that others will err and not acquire with a complete acquisition that is effective (Bekhorot 3b).

And the early authorities wrote that they only said this during the time of the Talmud, when they were proficient in causing a blemish in the firstborn before it came into the world, as there is a preference for this method where it does not remove from the priest. But in this time, when we are not proficient in this, it is better to transfer it to a non-Jew, so that it does not lead to a mishap in shearing and working with the firstborn (Tosafot there s.v. Deka, in the second answer; Rosh there 1:2, in the second answer), and it is a commandment to involve a non-Jew in this time, so that it does not lead to a mishap (Shulchan Aruch Yoreh De'ah 306), and he should not acquire a portion in the fetus, as the acquisition does not take effect, since it is a matter that has not yet come into the world, but he should acquire it in the mother, or he should acquire the mother to transfer a portion in the fetus (Tosafot there; Rosh there; Shulchan Aruch there).

And since there is a dispute among the Rishonim whether a non-Jew acquires movable property through pulling or with money (see entry Movable Property), therefore the clear way is that he should acquire it with a perutah that the non-Jew gives, and also pull it into his domain (Tosafot Avodah Zarah 71a s.v. Rav; Tur and Rema there), or that the Jew should acquire for him the place where the animal stands, and that place will acquire for him the animal or part of it (Shulchan Aruch there) by way of acquisition along with land (Taz there section 7).

Ownerless Property

The animal of the wilderness, and a convert who died and has no heirs, is exempt from the firstborn (Tosefta Bekhorot (Zuckermandel) 2:2), for the animal of the wilderness is ownerless from the start, and the animal of a convert who died had owners from the start and then became ownerless, and in both, if it gave birth to a firstborn while still ownerless, before a person acquired it, the sanctity of the firstborn does not apply to it, whether because it is said: “All the firstborn, etc., of your herd and of your flock” (Deuteronomy 15:19), or because it is said: “The firstborn of your sons you shall give to Me; so shall you do with your oxen and with your sheep” (Exodus 22:28-29), and ownerless is not yours (Mahariṭ Algazi beginning of Bekhorot s.v. and needs), and even if the animal became pregnant during the life of the convert, and it had owners then, and before its birth the convert died, it is exempt from the firstborn, for the sanctity of the firstborn depends on the opening of the womb, and then it was already ownerless (Mahariṭ Algazi there; Hasdei David to Tosefta there)[39].

Dedication

An animal of consecration is exempt from the firstborn (Tosefta there; Chullin 130a, and Rashi s.v.), as it is said: “All the firstborn, etc. you shall consecrate to the Lord your God” (Deuteronomy there), and not that which is already consecrated (Rashi there s.v. firstborn, in the second explanation).

And even disqualified consecrated animals, meaning their consecration preceded their blemish, even though they were redeemed, are exempt from the firstborn (Mishnah Chullin 130a and Bekhorot 14a; Rambam Bekhorot 5:8), as it is said about them: “as the gazelle” (Deuteronomy 12:15) - just as a gazelle is exempt from the firstborn, for indeed cattle and sheep are written regarding the firstborn (Rashi Chullin there s.v. exempt), so too disqualified consecrated animals are exempt from the firstborn (Gemara Bekhorot there 15a)[40].

And the same law applies when a temporary blemish (see entry blemishes) preceded their consecration, and afterwards a permanent blemish occurred to them (Mishnah there and there; Rambam there).

Doubtful Firstborn

His Giving to the Priest

Doubtful firstborn, the owners do not need to give it to the priest, but rather let it remain until a blemish occurs in it and he eats it (Mishnah Bekhorot 19b; Rambam Bekhorot 5:3; Tur Shulchan Aruch Yoreh De'ah 315:1), but it is not offered during the time of the Temple, for only a definite firstborn is offered lest non-sacred be slaughtered in the Temple courtyard (Rambam there).

The priest seized, the early authorities disagreed:

There are those who hold that it is not taken from his hand, for now he is the one in possession, and the owner of the firstborn is the one who seeks to take from another, and upon him is the proof (Rambam there and there 2; Shulchan Aruch there).

And there are those who hold that they take it from his hand, that the first - that the firstborn was with him at the time of the doubt - he is the one in possession (Tosafot Bava Metzia 6b s.v. Poter; Rema there)[41].

Shearing and Work

Doubtful firstborn, prohibited in shearing and work (see entry Shearing and Work. Bava Metzia 6b; Rambam Me'ilah 1:8; Tur Shulchan Aruch there).

The one who buys an animal from a non-Jew

The one who buys an animal from a non-Jew, cannot believe him that it has already given birth, even if he speaks casually (Tosafot Bekhorot 21b s.v. Ishtabuchi, and Rosh there 3:3, according to their version in Rashi there s.v. Ishtabuchi; Tur Shulchan Aruch Yoreh De'ah 316:1), and even if it is evident that he does not intend to enhance his merchandise thereby (Shach there Sifkat 2).

And therefore, one who buys an animal from a non-Jew, the Tannaim disagreed regarding the law of the first offspring born thereafter:

Some say that a goat in its first year is certainly a firstborn, for before that it certainly did not give birth, from then on it is doubtful; a ewe in its second year is certainly for the priest, from then on it is doubtful; a cow in its third year is

certainly for the priest, from then on it is doubtful (Rabbi Ishmael in Mishnah Bekhorot 19b), for even though a small animal, if it miscarried, is exempt from the firstborn (see above), and it is possible that the goat or the ewe miscarried within its year, we do not worry about this, for most do not miscarry, or he holds that if it miscarried, it does not return and give birth within its year, and this one that gave birth certainly did not miscarry (Gemara there 20a).

After these times it is doubtful, even though most animals conceive and give birth, whether because according to this opinion we are concerned for the minority (see entry Majority), or because this majority of conceiving and giving birth is a majority dependent on the act of mating, and we do not follow such a majority (Gemara there).

And there are those who say that even within these times it is only a doubtful firstborn, for in a small animal there is doubt lest it became unclean within the time and gives birth again within its year, and in a large animal lest it cast a placenta beforehand (Rabbi Akiva in the Mishnah there, according to the Gemara there 20a; Rabbi Tarfon in the Baraita there), and so is the law (Rambam Bechorot 4:7; Tur Shulchan Aruch there).

And the Rishonim disagreed on this opinion:

There are those who hold that they did not say that we suspect it was soiled except regarding not giving it to the priest, as the owner of the firstborn has a presumption of possession, and we do not follow the majority in monetary matters to remove from the one in possession. But regarding prohibition, it is certainly a firstborn, as most do not soil, and one is lashed for shearing and working it, and when it is unblemished, it is offered on the altar (Tosafot there s.v. VeRebbi, in the first answer; Hilchot Bechorot by Ramban 14a).

And there are those who hold that even regarding prohibition, it is only a doubtful firstborn, and it shall be eaten in its blemish by the owners, for they are concerned about this minority of impurity, because it is supported by the fact that most animals conceive and give birth at the time that is appropriate for conception (Tosafot there, in the second answer; Rosh there 3:1), and so is the law (Rambam there; Tur Shulchan Aruch there).

Milking Animal

We saw an animal that is milking, and most animals do not milk unless they give birth, the Tannaim disagreed whether we are concerned for the minority and the coming offspring is a firstborn (Bekhorot 20b, according to Rabbi Akiva), for there is a presumption that it has not given birth until now (Tosafot there s.v. Milk, in

the name of Rabbeinu Tam; Hagahot Mordechai Yevamot 126, Rema YD 316:3); or whether we are not concerned for the minority and it is not a firstborn (Gemara there, according to Rabbi Yehoshua).

Even the early authorities disagreed regarding whom the law follows: there are those who rule according to the first opinion (Tosafot there, in the name of Rabbeinu Tam; Hagahot Mordechai there; Rema there, as this is the custom)[42]; and there are those who rule according to the second opinion (Rambam there 8; Tosafot Avodah Zarah 40b s.v. Kol; Hilchot Bechorot by Ramban there; Rosh there 2; Tur there; Shulchan Aruch there).

A nursing animal

The one who buys a nursing animal from a non-Jew - that we saw it milking beforehand and we knew it did not give birth (Tur Shulchan Aruch there 4) - the Tannaim disagreed about its law:

There are those who say that the one after it is a doubtful firstborn, for an animal loves the offspring of its companion, even though it does not give birth, and it is possible that it nursed the offspring of another animal (Tanna Kamma in Bekhorot 24a, and Rashi s.v. Merachemet).

And there are those who say that we do not worry that perhaps it was the son of another, and the matter is presumed that she gave birth (Rabban Shimon ben Gamliel in the Mishnah there 23b, and Gemara there 24a), whether because she does not have compassion unless she gave birth to him, or she does not have compassion for the son of her friend unless she gave birth beforehand (Gemara there), and so is the law (Gemara there; Rambam there; Tur Shulchan Aruch there 3).

To the law that it is presumed she gave birth, so is the law even if it was this that nurses it like another species, and even like a pig species, exempt from the firstborn (Gemara there; Rambam there; Tur Shulchan Aruch there 2).

Firstborns and non-firstborns that gave birth together

One who has in his herd firstborns and non-firstborns, and they gave birth, and there was no person there, and he found firstborns nursing females, and non-firstborns nursing males, he does not worry that perhaps the son of this one came

to this one and this one to this one, but the matter is presumed that each one nurses her own son (Rabban Shimon ben Gamliel in the Mishnah there, and Gemara there; Rambam there 4; Tur Shulchan Aruch there 5).

Signs of Old Age

Signs in the horns of the animal - and the same law applies to other signs (Shach there, section 4) - that testify to its age, do not add or detract, and are not relied upon (Hagahot Mordechai Yevamot 126; Rema there 1).

The one who buys an animal and the seller did not inform him if it has given birth

The one who buys an animal from an Israelite, and he did not inform him whether it has given birth for the first time or not, and it gave birth, the Amoraim disagreed on the matter:

There are those who say that the offspring is a firstborn, for if it had already given birth, the seller would praise his merchandise and tell him that it had already given birth, and would not endanger again in birth, or that it was already exempt from the firstborn (Rav in Bekhorot 21b).

There are those who say that it is a doubt of a firstborn, for there is no proof from the seller that it did not improve before him, as he thought he needed the animal for slaughter (Shmuel there).

And there are those who say it is non-sacred, for if it had not given birth for the first time, the seller would inform him, so that he would not stumble in the prohibition of the firstborn (Rabbi Yochanan there).

Even in law, the early authorities disagreed: there are those who rule according to the second opinion (Tur Yoreh De’ah 316; Rema there 6, in the name of some say); and there are those who rule according to the third opinion (Rambam Bekhorot 4:9; Shulchan Aruch there).

Went out full and returned empty

An animal that gives birth for the first time that went out full and returned on the same day empty, the offspring it gives birth to afterward is a doubtful firstborn, perhaps it miscarried something that does not exempt from the firstborn status (Niddah 29a, and Rashi s.v. Uva'ah; Rambam Bechorot 4:13; Tur Shulchan Aruch Yoreh De'ah 315:4), for although most animals give birth to a complete offspring, and only a minority miscarry something that does not exempt from the firstborn status, nevertheless, most of those that give birth discharge one day before birth, and since this one did not discharge, the strength of the majority that give birth to a complete offspring is weakened (Gemara there, and Rashi s.v. Metanfot).

Two male heads emerged as one

Rachel who did not give birth first and bore two males, and their two heads emerged as one, the Tannaim disagreed:

There are those who say that both are for the priest, as it is said regarding the firstborn: "the males are for the Lord" (Exodus 13:12) and its implication is two (Rabbi Yosei the Galilean in Mishnah Bekhorot 17a).

And there are those who say that it is impossible for two heads to emerge as one, and certainly one emerged first, and it is not known which of them (Sages in the Mishnah there), and the two males are doubtful firstborns, and are forbidden in shearing and work, and they shall be eaten in their blemish (Mishnah there, and Rashi s.v. and the second; Rambam Bechorot 5:1; Tur Shulchan Aruch Yoreh De'ah 318:1, and Shach subparagraph 1), and the priest takes the lean one (Rabbi Akiva there, according to the Gemara there 18a), for the one who removes from his fellow, upon him is the proof (Gemara there), and therefore if one of them dies - the priest has nothing (Rabbi Akiva in the Mishnah there)[43], and so is the law (Rambam there; Tur Shulchan Aruch there).

Child male and female, there is nothing here for the priest, for the male is doubtful, perhaps the female came out first (Mishnah there; Rambam there; Tur Shulchan Aruch there).

Two ewes gave birth together

Two ewes that have not yet given birth and gave birth at the same time:

They gave birth to two males, both to a priest.

Male and female, the male to the priest.

Two males and a female: one for him, for there was with one of them a female and perhaps she went out first, and one for the priest.

Two females and a male, or two males and two females: there is nothing here for the priest, for the males are doubtful, perhaps a female emerged first and afterwards the male (Mishnah Bekhorot 18b; Rambam there 2; Tur Shulchan Aruch there 2-3).

One bore first and one did not bear first:

They bore two males, one for him and one for the priest, and the priest takes the lean one, for the burden of proof rests upon the claimant.

Male and female, there is nothing here for the priest, for the male is doubtful, perhaps the one who did not give birth to a firstborn gave birth to a female (Rabbi Akiva in the Mishnah there; Rambam there; Tur Shulchan Aruch there 4).

A convert who converted

A convert who converted and had an animal, it is uncertain if it gave birth before he converted or if it gave birth after he converted, this is a doubtful firstborn (Chullin 134a; Tur Shulchan Aruch there 5).

Footnotes

1. ↑ 3, p. 2822-2792.
2. ↑ And furthermore, it is stated: “The first issue of every womb” (Exodus 13:2), excluding one born by caesarean section (Mekhilta d’Rabbi Shimon bar Yochai there) who did not open the womb (Abaye in the Gemara there), and furthermore, it is stated: “That is born” (Deuteronomy 15:19), excluding one born by caesarean section (Sifrei Re’eh 124) who does not come through birth (Rabbeinu Hillel there).

3. ↑ On a firstborn born as an androgynous or tumtum, see their entry.
4. ↑ And there are some of the Rishonim who ruled according to the first opinion (Tur there, in the name of the Rosh).
5. ↑ And they did not say that a firstborn is not brought from outside the land (see below) except regarding the offering alone, for in this matter it is like non-sacred, and is eaten with its blemish (Rambam there).
6. ↑ And there are some of the Rishonim who hold that even outside the land it is not practiced rabbinically, except in the surroundings of the Land of Israel and in Babylonia, when the yeshivot were established, and in our times it is not practiced at all, but one who is stringent will be blessed (Magen Avot there).
7. ↑ Or we learned from what is stated in that verse at its beginning: "It shall be yours," and at its end: "It shall be yours," that both an unblemished and a blemished one are for the priests (Zevachim 37b and there 57a, according to Rabbi Yishmael; Sifrei Korach 118, according to Rabbi Yishmael).
8. ↑ And they connected the small cattle to the firstborn and the large cattle to the firstfruits or "do not delay," because it is stated there: "You shall do," the text added another action for your ox, and the text was only given to the sages to explain how much is the measure for your ox, and one can rely on them to explain the reason (Rava there, and Rashi s.v. "not given").
9. ↑ And so we learned: the firstborn, etc., they pour one pouring (Tosefta Zevachim (Zuckermandel) 6:15. Tosafot there, according to the correction of the Shita Mekubetzet there), but there are those who interpret it post facto (Minchat Bikkurim and Chazon Yechezkel there).
10. ↑ Or because it is stated about it: "As the breast of the wave offering and as the right thigh, it shall be yours" (Numbers there), and the breast and thigh of peace offerings are eaten by their wives and servants (Rambam Maaseh HaKorbanot there); and there are some of the Rishonim who wrote that it is only eaten by male priests (Rashba Nedarim 11b, in the name of the Raavad).
11. ↑ And furthermore, since the text compared it to the breast and thigh of peace offerings (see above) - it is eaten throughout the city like them (Commentary on the Mishnah by Rambam there; Tosafot there s.v. "and they are eaten").
12. ↑ On a perfect firstborn that was in a condemned city, see the entry on a condemned city.
13. ↑ And not that one should include one born perfect and became blemished more than one born blemished, but from the language "will be" one might mistakenly think it means when a new state of blemish occurs, to exclude one born blemished, and to remove this mistake it is written: "any bad blemish" (Malbim there).
14. ↑ On those suspected of inflicting a blemish on a firstborn, see the entry on suspect.
15. ↑ And there are some of the Acharonim who wrote that it is permitted, for we should not create a rabbinic decree from our own understanding (Maharit Algazi Bechorot 5:5).

16. ↑ And there are some of the Rishonim who hold that the skin is permitted for benefit, for in his opinion there is no dispute on the matter, and all agree on this (Rambam Bechorot 3:10), and they only disagreed on a perfect firstborn that was torn, not on a blemished one (Commentary on the Mishnah by Rambam Zevachim there; Kesef Mishneh there).
17. ↑ On a blemished firstborn that was in a condemned city, see the entry on a condemned city; on its prohibition in shearing and work, see the entry on shearing and work and the entry on disqualified consecrated animals.
18. ↑ And two additional teachings were stated on the matter: it is stated in the previous verse “all the firstborn” (there 19), to include a blemished one (Sifrei Re’eh 124), and it is stated afterwards: “And if there be any blemish in it, etc., in your gates you shall eat it” (Deuteronomy there 21-23. Rambam there).
19. ↑ And there are some of the Rishonim who hold that even a blemished one’s commandment to eat it within its year is from the Torah (Rambam there, according to Avraham Yagel there, and Meshech Chochmah Deuteronomy 15:17).
20. ↑ Or we learn from consecrated animals that come within a year (Gemara there, according to the opinion of the house of Rav there), as it is stated about them: “a lamb in its first year” (Leviticus 12:6), meaning its year, not the world’s count (Rav Acha bar Yaakov there).
21. ↑ According to one version in the Gemara, there are some Amoraim who hold that even if a blemish occurred within its year, they give it thirty days after its year, as it is stated: “You shall eat it year by year” (Deuteronomy 15:20) - what are the days considered a year, you say these are thirty days (Rabbi Elazar in the Gemara there 28a), that “year by year” means two years, and thirty days in a year are considered a year (Rashi there s.v. “year by year”), and his words were rejected (Gemara there).
22. ↑ And there are some of the Rishonim who hold that if it is in the hands of a priest, the sages gave him a time of thirty days, lest he does not need meat now, but the Israelite always waits until he finds a priest (Tosafot there s.v. “because,” in the name of Rabbi).
23. ↑ And there are some of the Rishonim who hold “that it does not appear to show it” means that no blemish fell on it (Rashi there s.v. “until it does not appear”), and “permitted to keep it” means that he is obligated to keep it (Kesef Mishneh there).
24. ↑ And even according to those who hold that light consecrated items are the owner’s property (see the entry on light consecrated items), regarding a firstborn which is a priestly gift, all agree that the priests only acquire from the high table (Bava Kamma 13a).
25. ↑ And see Ketzot HaChoshen 1:1.
26. ↑ And just as he can sell it, so he can betroth a woman with it (Maaser Sheni there; Tur Shulchan Aruch there), as it is like his other possessions (Tur Shulchan Aruch there).

27. ↑ And there are Rishonim who rule according to this opinion (Or Zarua Part 1 330; so it seems in Rimbatz Sheviit 7 4), for in their view there is no dispute here, but Rabbi came to explain the words of Tanna Kamma (Tosefta Kipshuta there).
28. ↑ This is not the case with other disqualified consecrated items, for although selling in the market and weighing is a degradation to them, nevertheless the benefit of selling at a high price is for the consecrated, as through this they will be redeemed for more money, but the firstborn, the benefit of selling it at a high price is for the priest (Mishnah there, and Rashi s.v. their benefit).
29. ↑ There are Rishonim who hold that its prohibition is from the Torah (so it seems in Rashi Bava Kamma 13a s.v. in a perfect firstborn, and Temurah 13b s.v. the exchange of its body, the second; Tosafot Bekhorot 21b s.v. eating, and there 31a s.v. except, according to Temurah 8a), for they had some derivation from a verse that there is no degradation in something that does not benefit the consecrated (Tosafot Bekhorot 31a s.v. except).
30. ↑ The fat of the sinew, since it is permitted by Torah law even though it is prohibited by Rabbinic law (see entry Gid Hanasheh) - its law is like meat, which is not weighed by the litra (Rosh there, in the name of R"Y; Tur Shulchan Aruch there).
31. ↑ Indeed, there are Rishonim who wrote that in our times it is better not to do so, for in the time of the Talmud they were skilled to be careful not to inflict a blemish after its head emerged, which is like being born, but in our times they are not skilled in this matter, and there is concern that they might inflict a blemish after its head emerged (Tosafot there s.v. that, in the second answer; Rosh there 1 2, in the second answer).
32. ↑ On a perfect firstborn or blemished one that was consecrated from birth to another sanctity, see entry Hekdesh and entry Hekdesh Elevation.
33. ↑ And there are Rishonim who wrote in one place that Levites are obligated in this commandment (Rambam Bekhorot 1 7), and in another place that they are exempt from it (Sefer Hamitzvot Positive Commandment 79).
34. ↑ Indeed, they are exempt from the redemption of a donkey (Mishnah there), as it is said: “in man and in beast it shall be yours” (Numbers 18:15) - wherever you do not have in man, you do not have in beast, and it is not to be inferred from here that they are not obligated in the firstborn of a pure animal, as it is said: “which they offer to the Lord in man and in beast” (there) - when it is not offered to the name, I divided, and when it is offered to the name, I did not divide (Sifrei Zuta there).
35. ↑ And from the Acharonim there are those who wrote that the Levite is not obligated to give it to the priest (Maharit Algazi Bekhorot 1 1 s.v. Mishna; notes of Rabbi Chaim Halevi to Sefer Hamitzvot Positive Commandment 79, which can be interpreted as such in the opinion of the Rambam there).
36. ↑ And there is a Tanna who holds that a partnership with a non-Jew does not exempt from the firstborn (Rabbi Yehuda in Tosefta there, and in the Gemara there 2b, according to the Gemara there 3a), that “every firstborn” means any that is a firstborn, that even when part of it is of Israel it is

obligated, or that “every firstborn” means even if all of it is the firstborn of Israel (Gemara there 3a), and the law is not like him (Gemara there 3b; Rambam there; Tur Shulchan Aruch there).

37. ↑ Indeed, there are Rishonim who ruled according to the second opinion (Tosafot Avodah Zarah 71a s.v. Rav; Hagahot Mordechai Yevamot 126).
38. ↑ And according to the opinion that a partnership with a non-Jew does not exempt from the firstborn, if they received from the non-Jew they appraise the offspring and give half its value to the priest, and if he gave to the non-Jew they penalize him, and he gives all its value to the priest (Rabbi Yehuda in Tosefta there and in the Gemara there).
39. ↑ And there are Acharonim who wrote that an ownerless animal is obligated in the firstborn (Turei Even Rosh Hashanah 13a).
40. ↑ Moreover, they have not gone out to be profane in every matter, and are forbidden in shearing and work (Rambam there).
41. ↑ And the matter depends on the dispute regarding every monetary doubt whose law is that the one who seeks to extract from his fellow bears the burden of proof if seizure afterwards is effective (see entry Monetary Doubt and entry Seizure), but there are those who wrote that in the doubt of a firstborn there is a special reason to say that they take it from the priest who seized, because the Israelite has in any case the presumption of the benefit of giving it to any priest he wishes, and therefore wherever it is, it is in his presumption, and the priest is always called the extractor and bears the burden of proof (Levush there 1; Shach there Sk"G).
42. ↑ And they also agree that the offspring is not a firstborn when there is another side of permission, such as when a non-Jew speaks innocently, not to enhance his sale, and says she gave birth, then they rely on the combination that she is milking, and even this is only in cows and in a place where it is not heard that they milk without offspring, but in goats that are usually milked without offspring they do not rely even in a place of double doubt, such as she gave birth to two, and there is doubt in each one that it is not the firstborn (Terumat Hadeshen Piskei Uketavim 130; Rema there).
43. ↑ And there is a Tanna who initially thought that the priest selects the better one (Rabbi Tarfon in the Mishnah there), for presumably due to his greater health he preceded his brother (Gemara there 18a, and Rashi s.v. that of the healthy), and he retracted and thought that the matter is doubtful, and they both share in the two males (Gemara there 2, according to Rabbi Tarfon, and Rashi s.v. he retracted), and if one of them died, they share in the living one (Rabbi Tarfon in the Mishnah there).

---

https://www.yeshiva.org.il/wiki/index.php/%D7%9E%D7%99%D7%A7%D7%A8%D7%95%D7%A4%D7%93%D7%99%D7%94_%D7%AA%D7%9C%D7%9E%D7%95%D7%93%D7%99%D7%AA:%D7%91%D7%9B%D7%95%D7%

A8_%D7%91%D7%94%D7%9E%D7%94_%D7%98%D7%94%D7%95%D7%A8%D7%94